

# **UNITED KINGDOM 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect members of Parliament to the House of Commons, the lower chamber of the bicameral Parliament. They last did so in free and fair elections in 2019. Members of the upper chamber, the House of Lords, occupy appointed or hereditary seats. Scotland, Northern Ireland, Wales, and Bermuda have elected legislative bodies and devolved administrations with varying degrees of legislative and executive powers. The United Kingdom has 14 overseas territories, including Bermuda. Each of the overseas territories has its own constitution, while the United Kingdom government is responsible for external affairs and defense.

Except in Scotland and Northern Ireland, the national police maintained internal security and reported to the Home Office. The army, under the authority of the Ministry of Defence, is responsible for external security and supports police in extreme cases. The National Crime Agency investigates serious crime in England, Scotland, Wales, and Northern Ireland and has a mandate to deal with organized, economic, and cybercrimes as well as border policing and child protection. The National Crime Agency's director general has independent operational direction and control over the agency's activities and is accountable to the home secretary.

Scotland's judicial, legal, and law enforcement system is devolved. Police Scotland reports to the Scottish justice minister and the state prosecutor, coordinates cross-border crime and threat information to the national police, and responds to police needs in Scotland upon request.

Northern Ireland also maintains a separate police force, the Police Service of Northern Ireland, which reports to the Northern Ireland Policing Board, a public body composed of members of the Northern Ireland Assembly and independent members of the community.

The Bermuda Police Service is responsible for internal security on the island and reports to the governor appointed by the central government.

Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of crimes, violence, and threats of violence motivated by antisemitism.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings. The Independent Office for Police Conduct (IOPC) investigates the most serious and sensitive incidents and allegations involving the police. It considers whether police shootings were justifiable, investigates serious injury or death in police custody, and allegations of excessive force. If appropriate, it passes cases to the Crown Prosecution Service to pursue prosecution. On September 12, media reported that Metropolitan Police suspended an officer who fatally shot an unarmed black man, Chris Kaba, in Lambeth (South London), on September 5 after his vehicle was flagged by a number plate recognition camera. In a September 16 statement, IOPC investigators pledged to examine whether Kaba's race influenced actions taken by police. The IOPC's investigation remained ongoing at the year's end.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or**

## **Punishment, and Other Related Abuses**

The law prohibits such practices, but there were a few credible reports that government officials employed them.

In an August 29 statement, the Scottish Human Rights Commission said concerns remained regarding a wide range of cruel, inhuman and degrading detention conditions in Scottish prisons including: overcrowding; segregation; the use of solitary confinement, restraints, and strip searches in young-offender institutions; and increasing concerns about the social and mental well-being of prisoners or detainees.

### **Prison and Detention Center Conditions**

Prison and detention center conditions met international standards but had shortcomings. The government documented and was investigating these problems.

**Abusive Physical Conditions:** In his 2021-22 annual report, the chief inspector of prisons stated that in many of the prisons visited since resuming full inspections in May 2021, prisoners were locked up without purposeful activity for long periods of time, some for up to 23 hours a day. Prisoners reported that their mental health was suffering, with 51 percent of men and 76 percent of women informing the chief inspector they had mental health difficulties. The inspector reported “disheartening inspections” at prisons with large proportions of young men, where workshops remained mostly empty and few prisoners received any face-to-face education.

The inspector examined Border Force short-term holding facilities and found that while Tug Haven, the Kent Intake Unit, and Frontier House (i.e., those predominantly used to accommodate migrants who arrived via sea from France) had some improvements, conditions remained unacceptably poor and progress during the year on opening new, larger facilities had been too slow. At the Kent Intake Unit, up to 40 detainees were reportedly confined to a permanently lit room without access to fresh air or the ability to see outside due to frosted windows in the main holding room. The number of detainees in immigration detention centers rose throughout the year. The chief inspector of prisons remained, “very concerned about the haphazard arrangements in place for those who crossed the

Channel in small boats.” The chief inspector noted that promised facilities had not materialized and “basic safeguards were not in place.” In November a Home Office spokesperson reported that the death of a migrant held at the Manston Short-Term Holding Facility in Kent may have been caused by diphtheria. Media reports indicated that the center held approximately 4,000 migrants in October despite a capacity of 1,600. From November 25 to 28, a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) delegation carried out a rapid reaction visit to the United Kingdom to examine the treatment of foreign nationals arriving by small boat. The delegation visited the Western Jet Foil and the Manston Short-Term Holding Facility. The CPT’s findings were not published by the year’s end.

The Urgent Notification Protocol allows the chief inspector of prisons to alert the lord chancellor and secretary of state for justice directly if he or she has an urgent and significant concern about the performance of a prison. The secretary of state is required to respond publicly within 28 calendar days. The chief inspector highlighted Urgent Notifications issued for Rainsbrook and Oakhill Secure Training Centers after both failed to make adequate progress following earlier inspections during the year and in 2021. The secretary of state for justice decided to remove all children from Rainsbrook and end the contract with the supplier. An Urgent Notification was issued for Exeter Prison in November, following an unannounced inspection. The prison had the highest rates of self-harm of any reception prison in England and Wales, with 10 self-inflicted deaths in the last four years.

According to the Ministry of Justice, from March 2021 to March 2022, there were 287 deaths in prison custody (a rate of 3.6 per 1,000 prisoners), a decrease from 408 deaths in the previous 12 months (5.2 per 1,000 prisoners). There were 183 deaths due to natural causes (2.3 per 1,000 prisoners), a 38 percent decrease over the 296 deaths (3.7 per 1,000 prisoners) in the previous 12 months. This decrease of 113 deaths due to natural causes reflected deaths from COVID-19 in the previous year. There were 75 self-inflicted deaths in the 12 months prior to March, a decrease of 6 percent from 79 self-inflicted deaths in the previous year. Statistics recorded 28 deaths as “other,” of which 25 were “awaiting further information” prior to being classified.

There were 13 publicly managed and two privately managed prisons in Scotland.

According to the annual Northern Ireland prisoner ombudsman report for 2020-2021, the latest data available, investigations into five deaths were carried out. Two of those deaths were due to natural causes. Investigations into the other three deaths were ongoing at year's end.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** In England, Wales, Northern Ireland, and the 14 overseas territories, the government permitted monitoring by independent nongovernmental observers. Every prison, immigration removal center, and some short-term holding facilities at airports have an independent monitoring board. Each board's members are required to monitor day-to-day activity in the facility and to ensure proper standards of care and decency. Members have unrestricted access to the facility at any time and may talk to any prisoner or detainee they wish, out of sight and hearing of staff, if necessary.

Scotland operates the Independent Prison Monitoring system. The government permitted monitoring by independent nongovernmental observers in Scotland.

On July 7, the CPT published a report on its periodic visit to the United Kingdom, which took place from June 8 to 21 in 2021. In the report, the CPT highlighted the cumulative deleterious effects on the lives of prisoners due to chronic overcrowding, poor living conditions, and the lack of purposeful regimes. The report noted that violence remained prevalent in all adult male prisons and would be higher if prisoners were not confined to their cells for most of the day. The delegation found that the majority of prisoners continued to be locked in their cells for 22 to 23 hours daily.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government routinely observed these requirements.

Police in England and Wales have powers to stop and search anyone if they have “reasonable grounds” to suspect the individual may be in possession of drugs, weapons, stolen property, or any item that could be used to commit a crime. In May, then Home Secretary Priti Patel announced restrictions placed on stop and search powers would be eased, specifically in areas where violent crime is anticipated. Under the relaxation of Section 60 powers, officers can search persons without reasonable grounds in areas where serious violence is expected. The government indicated the move was to tackle increases in knife crime. An April report by the Independent Office for Policy Conduct watchdog urged an overhaul of the use of stop-and-search powers to tackle the disproportionate impact of the measures on ethnic minority groups.

In Scotland guidelines allow police to stop and search persons only when police have “reasonable grounds,” a refinement after criticism that stop-and-search was being used to target specific racial groups. Data revealed 30,807 stop and searches were conducted between April 2021 and March.

In Northern Ireland, the law permits police officers to stop and search members of the public. In most circumstances a police officer needs grounds to search an individual. Some stop-and-search powers allow individuals to be searched without grounds. By law persons living in the 14 overseas territories, including Bermuda, are generally ensured the same rights and protections against arbitrary arrest and detentions, with slight variations in each of the jurisdictions.

### **Arrest Procedures and Treatment of Detainees**

Police nationally must have a warrant issued by a magistrate or a judge to arrest a person unless there is reasonable suspicion a person has just committed or is about to commit a crime. In England, Wales, and Northern Ireland, a senior police official must authorize detention without charges for more than 24 hours, and a magistrate must authorize detention for more than 36 hours up to a maximum 96 hours. Police may detain terrorism suspects without charge for up to 14 days. Police must inform detainees promptly of charges against them. The court may extend pretrial detention in exceptional cases. Authorities respected these rights.

In Scotland police may detain a suspect for no more than 24 hours. After an initial

detention period of 12 hours, a police custody officer may authorize further detention for an additional 12 hours without authorization from the court if the officer believes it necessary. Only a judge can issue a warrant for arrest if he or she believes there is sufficient evidence against a suspect. A suspect must be informed immediately of allegations against him or her and be advised promptly of the charges if there is sufficient evidence to proceed. Authorities respected this right. Depending on the nature of the crime, a suspect should be released from custody if he or she is deemed not to present a risk. There is a functioning bail system.

Nationally there is a functioning bail system, but defendants may be denied bail if they are judged to be flight risks, likely to commit another offense, are suspected terrorists, or for other limited reasons.

If questioned at a police station, all suspects in the country have the right to legal representation, including counsel provided by the government if they are indigent. Police may not question suspects who request legal advice until a lawyer is present. In Gibraltar the Duty Legal Representative Scheme provides free legal representation to anyone in Gibraltar police custody earning less than £14,000 (\$18,480) per year, the minimum wage. All law firms in Gibraltar with five or more lawyers are required to register as part of the scheme.

In Bermuda a court must issue a warrant for an arrest to proceed. The law permits arrests without warrant only in certain conditions. When a police officer has reasonable grounds for suspecting that any offense that is not an arrestable offense has been or is being committed or attempted, he or she may arrest the relevant person if it appears that service of a summons is impracticable. No arrests or detentions may be made arbitrarily or secretly, and the detainee must be told the reason for the arrest immediately. Individuals may be detained initially for six hours, and for two further periods of up to nine hours each, subject to review and justification. Authorities respected this right.

There is a functioning bail system in Bermuda. House arrest and wearing an electronic monitoring device may be a condition of bail. A detainee has an immediate right of access to a lawyer, either through a personal meeting or by telephone. Free legal advice is provided for detainees. Police must inform the

arrestee of his or her rights to communication with a friend, family member, or other person identified by the detainee. The police superintendent may authorize incommunicado detention for serious crimes such as terrorism.

**Pretrial Detention:** Custody Time Limits (CTL) are the maximum period that an individual can legally be held in prison while waiting a trial. The current maximum length of pretrial detention, or CTL, is six months. In September the nongovernmental organization (NGO) Fair Trials publicly revealed information it obtained through a Freedom of Information request alleging that CTLs were routinely extended, even for persons accused of nonviolent offenses. As of September, almost 1,800 persons had been held in custody on remand for longer than legally permitted. More than 500 persons had been held longer than two years. The NGO also reported that more than half of those held on remand for more than six months were held for nonviolent offenses.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair, timely, and public trial, and an independent judiciary routinely enforced this right. Defendants enjoy a presumption of innocence, and the right to be informed promptly and in detail of the charges. Criminal proceedings must be held without undue delay and be open to the public except for cases in juvenile court or those involving public decency or security. Under the Official Secrets Act a judge may order the court closed, but sentencing must be public. Defendants have the right to be present at their trial.

Defendants have the right to communicate with an attorney of their choice or to have one provided at public expense if unable to pay. Defendants and their lawyers have adequate time and facilities to prepare a defense and free assistance of an interpreter, if necessary, from the moment charged through all appeals. Defendants have the right to confront witnesses against them, to present their own witnesses and evidence, and not to be compelled to testify or to confess guilt, and to appeal.



In Bermuda the law requires defendants to declare to the prosecutor and the court within 28 days of their arraignment whether they intend to give evidence at their trial. Failure to do so permits the court to direct the jury to draw inferences from the defendant's refusal to testify.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals, NGOs, and groups of individuals may seek civil remedies for human rights violations and have the right to appeal to the European Court of Human Rights decisions involving alleged violations by the government of the European Convention on Human Rights.

In Bermuda the Human Rights Tribunal adjudicates complaints.

### **Property Seizure and Restitution**

The government has laws and mechanisms in place, and NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress, which covers Holocaust-era restitution, remembrance, education, and related issues, was released in 2020. The report is available on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for the press, and the government routinely respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Freedom of Expression:** The law prohibits expressions of hatred toward persons because of their color, race, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation as well as any communication that is deemed threatening or abusive and is intended to harass, alarm, or distress a person. The penalties for such expressions include fines, imprisonment, or both.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** The law's restrictions on expressions of hatred apply to the print and broadcast media.

**Libel/Slander Laws:** In the British Virgin Islands, the law criminalizes with imprisonment for up to 14 years and a fine "sending offensive messages through a computer." The law applies to a message that is "grossly offensive or has menacing character" or that is sent "for the purpose of causing annoyance or inconvenience." Media freedom NGOs strongly criticized the law.

**Nongovernmental Impact:** In September a court sentenced a 29-year-old man to seven years in jail for possession of the firearm used in Northern Ireland journalist Lyra McKee's killing in April 2019. By year's end three other men were awaiting trial charged with McKee's death.

In February BBC News broadcast journalist Sarah Smith discussed her relief at having been appointed North America editor after experiencing "bile and hatred" in her previous role as Scotland editor.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The country has no blanket laws covering internet blocking, but the courts have issued blocking injunctions against various categories of content such as depictions of child sexual abuse, promotion of violent extremism and terrorism, and materials infringing on copyrights.

By law the electronic surveillance powers of the country's intelligence community and police allow authorities, among other things, to check internet communications records as part of an investigation without a warrant.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government routinely respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government routinely respected these rights.

**In-country Movement:** The home secretary may impose terrorism prevention and investigation measures (TPIMs) based on a “balance of probabilities.” TPIMs are a form of house arrest applied for up to two years to those thought to pose a terrorist threat but who cannot be prosecuted or deported. The 14 measures include electronic tagging, reporting regularly to the police, and facing “tightly defined exclusion from particular places and the prevention of travel overseas.” A suspect must live at home and stay there overnight, potentially for up to 10 hours daily. Authorities may send suspects to live up to 200 miles from their normal

residence. The suspect may apply to the courts to stay elsewhere. The suspect may use a mobile phone and the internet to work and study, subject to conditions.

**Exile:** The law permits the home secretary to impose temporary exclusion orders (TEOs) on returning United Kingdom (UK) citizens or legal residents if the home secretary reasonably suspects the individual in question is or was involved in terrorism-related activity and considers the exclusion necessary to protect individuals in the UK from a risk of terrorism. TEOs impose certain obligations on the repatriates, such as periodic reporting to police. The measure requires a court order and is subject to judicial oversight and appeal.

**Citizenship:** The law allows the home secretary to deprive an individual of citizenship if officials are satisfied it is “conducive to the public good,” but not if doing so would render a citizen stateless. A woman who left the UK for Syria as a teenager to join the Islamic State group was challenging the UK government’s decision to remove her British citizenship. Shamima Begum was stripped of her citizenship by then Home Secretary Sajid Javid in 2019. In 2020, a tribunal ruled that decision lawful, and in 2021 the country’s highest court, the Supreme Court, ruled Begum could not return to the country to appeal the decision. Begum’s lawyers told a court that the decision to remove her British citizenship was unlawful as it did not consider whether she had been a child victim of trafficking. The case remained ongoing at year’s end.

## **e. Protection of Refugees**

Although the government cooperated with the Office of the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern, in December, the UNHCR appealed to the UK to uphold its international legal obligations, following the government’s proposal to detain asylum seekers before either returning them to their home country, or transferring them to a third country, calling it a “denial of access to the UK asylum system for those who arrive irregularly.” The UNHCR also conveyed “its deep concern” over the government’s plans to send illegal immigrants to Rwanda, which it said “breached international law.”

The government did not coordinate with the UNHCR and other humanitarian organizations in its plan to externalize asylum processing. On April 28, the Nationality and Borders Bill received royal assent and became law. UNHCR criticized the new law for “undermining established international refugee protection law and practices,” arguing that the law is aimed at deterring asylum seekers by relegating most refugees to a new, lesser status with few rights and a constant threat of removal. UNHCR also expressed concern over the government’s intention to externalize its obligations to protect refugees and asylum seekers to other countries. On April 13, then Home Secretary Priti Patel and Rwandan Foreign Minister Vincent Bruta announced the “UK and Rwanda Migration and Economic Partnership (i.e., the “Rwanda Asylum Plan”)), a policy to be enacted for five years, whereby individuals identified by the UK as being irregular asylum seekers or migrants would be relocated to Rwanda for processing, asylum, and resettlement. The government stated this policy would deter persons arriving in the UK through “illegal, dangerous, or unnecessary methods.” As of year’s end, no persons had been sent to Rwanda amid ongoing legal challenges which prevented the first planned flight from taking off in December.

Following Russia’s full-scale invasion of Ukraine in February, the Scottish government launched a “super sponsor scheme” for those displaced by the war. Under the scheme, Ukrainians or the immediate family members of eligible Ukrainians seeking to travel to Scotland were able to choose the Scottish government to sponsor their visa, instead of an individual sponsor. Once approved by the Home Office, they were then able to immediately travel to Scotland and were provided with temporary accommodation, meals, and other support services. Nearly 5,000 individuals from Ukraine were accepted under the terms of the program before the Scottish government announced a three-month pause in July to allow staff time to process an influx of applications. Due to housing shortages, two cruise ships docked in Edinburgh and Glasgow to provide temporary accommodation for Ukrainian families. In September the Scottish government announced a £50 million (\$55 million) fund for local authorities and housing associations to help increase the available stock of homes for arriving Ukrainians.

**Access to Asylum:** In England, Scotland, Wales, and Northern Ireland, the law provides for granting asylum or refugee status, and the government has established

a system for providing protection to refugees. Asylum is a matter reserved for the national government and is handled centrally by the Home Office, including for most overseas territories. Bermuda's constitution and laws do not provide for granting asylum or refugee status, and the government does not have an established system for providing protection to refugees.

NGOs criticized the government's handling of asylum seekers crossing the English Channel from France.

In April a Home Office review found Badreddin Abdalla Adam, a Sudanese asylum-seeker who had been housed in a Glasgow hotel, contacted officials from the Home Office and two contractors 72 times about his mental and physical health and his accommodation before stabbing six individuals at the hotel in 2020. Home Office officials said the frequency of contact leading up to the stabbings "should have acted as a warning" and confirmed significant changes to the handling of such cases had been implemented following the event.

**Safe Country of Origin/Transit:** Since leaving the EU, the UK had not enacted a system to replace the EU's Dublin III Regulation, making the transfer of migrants back to another country problematic. Those claiming asylum must prove they could not return to their home country because of fear of persecution. According to government figures, as of June 93 percent of arrivals applied for government protection; during the first six months of the year the UK received more than 60,000 asylum claims. According to official government figures, 45,756 persons arrived in the UK via small boats during the year, compared with 28,526 arrivals in 2021, and 8,404 in 2020. For the duration of their asylum application, asylum seekers were eligible for government support at 30 percent below the normal rate for their family size, an amount that NGOs deemed inadequate. NGOs criticized the government for cutting off benefits 28 days after a person was granted refugee status, which NGOs stated left some persons destitute.

**Abuse of Migrants and Refugees:** Home Office officials have the power to detain asylum seekers and unauthorized migrants who do not enter the asylum system. There was no maximum time limit for the use of detention. Immigration detention was used to establish a person's identity or basis of claim, to remove a person from the country, or to avoid a person's noncompliance with any conditions

attached to a grant of temporary admission or release.

**Temporary Protection:** The government may provide temporary protection to individuals who may not qualify as refugees. As of the end of June, the government granted humanitarian protection to 852 individuals, provided 429 grants of alternative forms of leave, and 644 grants of protection through resettlement schemes.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

According to UNHCR at the end of 2021, the latest data available, 5,177 stateless persons resided in the country; 258 had been recognized as stateless. The government provides a route to legal residence for up to five years for stateless persons resident in the country. After the initial five-year period, stateless persons can apply for “settled status” or further extension of their residency. The government did not publish data on the number of habitual residents who are legally stateless. The law allows for the acquisition of citizenship for persons who are stateless.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In Scotland 16- and 17-year-olds may vote in Scottish elections, as may all foreign nationals with limited or indefinite permission to remain in Scotland.

## **Elections and Political Participation**

**Recent Elections:** UK general parliamentary elections were held in 2019. Bermuda held elections to the House of Assembly in October 2020. Elections to the Northern Ireland Assembly were held in May. Scottish parliamentary elections were last held in May 2021. Independent observers reported no abuses or irregularities in any of the elections.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government implemented the law effectively. There were no reports of government corruption during the year. In April the government implemented a new sanctions regime that allows it to impose asset freezes and travel bans on individuals and entities determined to have committed or to have been involved in serious corruption, specifically, bribing or misappropriating property from a foreign public official or benefitting from such bribery or misappropriation.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings of human rights cases. Government officials were routinely cooperative and responsive to their views.

**Government Human Rights Bodies:** Parliament has a Joint Committee on Human Rights composed of 12 members selected from the House of Lords and the House of Commons. The committee investigates human rights matters in the country and scrutinizes legislation affecting human rights. It may call for testimony from government officials, who routinely comply.

The Equality and Human Rights Commission (EHRC) is an independent, nondepartmental public body that promotes and monitors human rights and protects, enforces, and promotes equality across nine “protected” grounds: age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation, and gender reassignment. The sponsoring



department was the Government Equalities Office. The commission was considered effective.

In Scotland the Scottish Human Rights Commission, which is accountable to the Scottish Parliament, monitors and protects human rights.

The Northern Ireland Human Rights Commission, sponsored by the Northern Ireland Office, and the Equality Commission for Northern Ireland, sponsored by the Office of the First Minister and Deputy First Minister, monitor human rights in that province. Both entities were considered effective.

The Bermuda Human Rights Commission is an independent body that effectively administers human rights law through the investigation and resolution of complaints lodged with it and provides services to resolve individual complaints involving human rights, sexual harassment, and disability, promotes knowledge of human rights in Bermuda and helps to reduce barriers to equality in employment and access to service.

Other British overseas territories, including the Cayman Islands and Turks and Caicos, also had independent commissions aimed at promoting, protecting, and preserving human rights.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of a person, including spousal rape. The maximum legal penalty for rape is life imprisonment. The law also provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for survivors of gender-based violence. The government enforced the law effectively in reported cases. Courts in some cases imposed the maximum punishment for rape. The government provided shelters, counseling, and other assistance for survivors of rape or violence. NGOs warned that police and Crown Prosecutorial Services have raised the bar for evidence needed, causing survivors to drop out of the justice process. The Crown Prosecution Service was in the third year of a five-year plan for the prosecution of rape and serious sexual offenses (RASSO) to help reduce the gap

between reported cases and prosecutions, improve cooperation between police and prosecutors, fully resource RASSO units, and provide training to improve communication with victims.

The law criminalizes domestic violence. Those who abuse spouses, partners, or family members face tougher punishment than those who commit similar offenses in a nondomestic context. The November 25 Crime Survey for England and Wales estimated that there were 2.4 million survivors of domestic abuse age 16 and older (70 percent of whom were women) based on data collected between October 2021 and March. The number of police-recorded domestic abuse-related crimes in England and Wales increased by 7.7 percent compared with the previous year, to 910,980.

In 2021 the Domestic Abuse Act created a statutory definition of domestic abuse, established the office of Domestic Abuse Commissioner, provided for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order, and requires local authorities in England to provide accommodation-based support to survivors of domestic abuse and their children in refuges and other safe accommodation. The act no longer allows accused perpetrators to cross-examine witnesses in the courts and establishes a statutory presumption that survivors of domestic abuse are eligible for special measures in the criminal, civil, and family courts. It also widened the offense of disclosing private sexual photographs and films with intent to cause distress, established nonfatal strangulation or suffocation of another person as a new offense, and clarified in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to his or her own death.

In June His Majesty's Inspectorate of Constabulary and Fire & Rescue Services and the IOPC published a report in response to a complaint by the Centre for Women's Justice alleging that authorities were not responding appropriately to cases of suspected domestic abuse within the police force. The joint investigation found that authorities did not fully recognize and respond to allegations of domestic abuse when they involved police officers and their family members.

Police in Northern Ireland recorded 33,186 domestic abuse incidents (22,142 crimes) from July 2021 to June 2022, the highest total for a 12-month period since

2004 to 2005.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C and requires health and social care professionals and teachers to report to police cases of FGM/C on girls younger than age 18. It is also illegal to take a British national or permanent resident abroad for FGM/C or to help someone trying to do so. The penalty is up to 14 years in prison. An FGM/C protection order, a civil measure that can be applied for through a family court, offers the means of protecting survivors or at-risk women and girls from FGM/C under the civil law. Breach of an FGM/C protection order is a criminal offense carrying a sentence of up to five years in prison.

FGM/C was illegally practiced in the country, particularly within some diaspora communities from countries where FGM/C is prevalent. The National Health Service reported 2,165 newly recorded cases between January and September.

The government took nonjudicial steps to address FGM/C, including awareness-raising efforts, a hotline, and requiring medical professionals to report FGM/C observed on patients.

**Sexual Harassment:** The law criminalizes sexual harassment at places of work. Authorities used different laws to prosecute cases of harassment outside the workplace. The government enforced the law effectively.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of clinical management of rape. Health policy was devolved to constituent parts of the country.

**Discrimination:** The law provides the same legal status and rights for women and men including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The government enforced the law effectively. Women were subject to some discrimination in employment (see also section 7.d.).

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits racial and ethnic discrimination, but travelers, Roma, and persons of African, Afro-Caribbean, South Asian, and Middle Eastern origin at times reported mistreatment on racial or ethnic grounds. The government effectively enforced the law.

Government statistics published on October 6 noted most hate crimes were racially motivated, accounting for more than two-thirds of such offenses (70 percent; 109,843 offenses).

Ethnic minorities were significantly overrepresented in prisons. At the end of June, a total of 27 percent of the prison population identified as an ethnic minority, compared with 13 percent of the general population, a figure that has stayed relatively constant since 2004.

In May the government reported that in England and Wales, there were 7.5 stop and searches conducted by law enforcement officers for every 1,000 white persons, compared with 52.6 for every 1,000 black persons.

In Scotland racial or other discriminatory motivation may be an “aggravating factor” in crimes. Race-based hate crime was the most commonly reported hate crime in Scotland, accounting for 3,107 charges in 2021-2022, a decrease of 7 percent on the previous year.

“Right to Rent” laws require all landlords in England to check that all tenants who occupy their properties have legal status to live in the UK. Tenancies in Scotland, Wales and Northern Ireland are not subject to right to rent checks. Landlords may be fined or face a prison term for noncompliance. A challenge against the legislation was taken to the European Court of Human Rights in April. The challenge was made on behalf of a foreign citizen, who has indefinite leave to remain in the UK and alleges she suffered discrimination and homelessness because of the “Right to Rent” scheme. The case remained pending at year’s end.

In Northern Ireland, 895 racially motivated crimes were recorded in the period July 2021 to June 2022, an increase of 56 compared to the previous 12 months.

In Bermuda the largest ethnic group of persons arrested in 2020 were Black, with 1,788 arrests, compared to 359 arrests of individuals of other ethnicities.

## **Children**

**Birth Registration:** A child born in the UK receives the country's citizenship at birth if one of the parents is a UK citizen or a legally settled resident. Children born in Northern Ireland may opt for UK, Irish, or dual citizenship. A child born in an overseas territory is a UK overseas territories citizen if at least one of the child's parents has citizenship. All births must be registered within 42 days in the district where the baby was born; unregistered births were uncommon.

**Child Abuse:** Laws make the abuse of children punishable by up to a maximum sentence of 14 years' imprisonment. Social service departments in each local authority in the country maintained confidential child protection registers containing details of children at risk of physical, emotional, or sexual abuse or neglect. The registers also included child protection plans for each child.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage is 16. In England, Northern Ireland, and Wales, persons younger than 18 require the written consent of parents or guardians, and the underage person must present a birth certificate. The legal minimum age for marriage in Scotland is 16 and does not require parental consent.

Forcing someone to marry against his or her will is a criminal offense throughout the country with a maximum prison sentence of seven years. Forcing a UK citizen into marriage anywhere in the world is a criminal offense in England and Wales. According to government statistics published in July, in 2021 the joint Foreign, Commonwealth, and Development Office and the Home Office Forced Marriage Unit (FMU) provided support in 337 cases of potential or confirmed forced marriage involving UK citizens, which represented a 56 percent decrease from 2020. Of the cases that the FMU provided advice or support to in 2021, 118 cases (35 percent) involved victims younger than 18 years, 120 cases (36 percent) involved victims ages 18 to 25, 53 cases (16 percent) involved victims with mental capacity concerns, 251 cases (74 percent) involved female victims, and 86 cases (26 percent) involved male victims. The FMU noted that a change in recording

practices in place throughout 2021 likely contributed to the fall in the number of advice and support cases from 2020 to 2021 and the increase in the number of general inquiries received.

The government operated a public helpline to provide advice and support to victims of forced marriage. The government offered lifelong anonymity for victims of forced marriage to encourage more to come forward.

In Scotland seven cases of forced marriage were reported in 2021, down from 12 in 2020.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial exploitation, including child sex trafficking. The penalties for sexual offenses against children and the commercial sexual exploitation of children range up to life imprisonment. The law prohibits child pornography. Authorities enforced the law. The minimum age of consensual sex is 16.

## **Antisemitism**

The 2021 census recorded the Jewish population at approximately 271,000. The semiannual report of the NGO Community Security Trust (CST) recorded 786 antisemitic incidents during the first six months of the year, a decrease of 43 percent from the same period in 2021. The CST noted the decrease reflected the magnitude of the spike in anti-Jewish hate observed in May and June 2021 during and in the aftermath of tensions between Israel and the Palestinians. In educational settings, 50 incidents occurred in schools or during travel to or from school; of these, 13 incidents happened in Jewish schools. There were 148 reported antisemitic incidents online.

The CST recorded 73 violent antisemitic assaults during the first half of the year, a 20 percent increase from the same period in 2021. None of the violent incidents was classified by the CST as “extreme violence,” meaning the incident involved potential grievous bodily harm or a threat to life. There were 30 incidents of damage and desecration of Jewish property and 630 incidents of abusive behavior, including verbal abuse, graffiti including on non-Jewish property, social media, and hate mail, a decrease of 44 percent from the same period in 2021.

The CST recorded 463 antisemitic incidents in Greater London in the first half of the year, a decrease of 39 percent from 2021. The 104 incidents the CST recorded in Greater Manchester represented a decrease of 43 percent from the same period in 2021. The government enforced antihate laws effectively.

In February during an online forum with students organized by the Scottish Council of Jewish Communities, First Minister Nicola Sturgeon was asked for her view on the fact the Scottish National Party's governing partners, the Scottish Green Party, had not endorsed the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. Sturgeon emphasized, "All ministers in my government, without exception, are expected to comply" with the IHRA definition. In April more than 200 members of Scotland's Jewish community sent a letter to the first minister expressing concern with the Green Party's stance. A spokesperson for the Scottish government said, "all ministers in the Scottish Government, including those from the Green Party, sign up and adhere to the IHRA definition of antisemitism."

In March there were calls for Wullie Graham, a local election candidate for the Scottish National Party in Glasgow, to step down after media reported he had shared a picture on his Facebook account in 2015 of a man wearing a yarmulke and a young girl, both holding guns, with the caption, "Bloody sickening that Israeli Jews bring up their kids to hate and kill." Graham continued his candidacy and was elected to Glasgow City Council in May.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Laws in the UK did not criminalize consensual same-sex sexual conduct between adults. Facially neutral laws, such as laws on immorality or loitering, were not disproportionately applied to lesbian, gay, bisexual, transgender,

queer, or intersex (LGBTQI+) persons.

**Violence against LGBTQI+ Persons:** Police and other government agents did not incite, perpetrate, condone, or tolerate violence against LGBTQI+ individuals. LGBTQI+ NGO Galop reported that demand for their hate crime support services increased during the year. Galop reported that transphobic narratives in the media, and at a senior political level, have grown “unregulated, unchecked, and unchallenged.” NGOs reported that these hostile narratives contributed to violence against the LGBTQI+ community and expressed concern that those convicted of hate crimes against LGBTQI+ persons received shorter sentences than other forms of hate crime.

Police in England and Wales recorded 155,841 hate crimes in a 12-month period ending in March, of which 26,1526 were sexual-orientation hate crimes and 4,355 were transgender hate crimes. According to the Crown Prosecution Service, during the same period, there were 13,073 total prosecutions and 11,055 convictions (84.6 percent) related to hate crimes. Of this total, there were 2,283 prosecutions related to homophobic hate crimes with 1,962 convictions (85.9 percent) and 125 prosecutions against transphobic hate crimes with 100 convictions (80 percent). Statistics from the Police Service of Northern Ireland showed 331 homophobic crimes and 41 transphobic crimes. Scotland recorded 1,780 hate crimes relating to sexual-orientation and 84 transphobic hate crimes.

**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. The government generally enforced such laws, although there were reports of discrimination based on sexual orientation or gender identity against LGBTQI+ persons. Observers reported individuals identifying as LGBTQI+ were more likely to experience worse health outcomes than the general population, found it harder to access services, and had poorer experiences of using services when they were able to access them.

**Availability of Legal Gender Recognition:** By law persons may change their legally recognized sex by obtaining a Gender Recognition Certificate (GRC) which entitles the holder to be treated for legal purposes in line with their acquired sex.



Obtaining a GRC requires a person to have lived in their acquired gender for at least two years and intend to do so for the rest of their life. In Scotland GRC applicants must have lived in their acquired gender for at least three months and intend to do so for the rest of their life.

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** In April the government announced plans to ban conversion therapy for lesbian, gay and bisexual persons in England and Wales. Following the announcement, NGOs criticized the then prime minister for excluding trans persons and only promising a ban for LGB conversions. Media reported the government did not include conversion therapy experienced by transgender persons in the planned legislation due to concerns over unintended consequences that would “affect parents, teachers, or therapists discussing gender identity with children.” The Scottish government committed to ending conversion practices, defined as “any treatment, practice, or effort that aims to change, suppress, and/or eliminate a person’s sexual orientation, gender identity, and/or gender expression.”

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions on freedom of expression, association, or peaceful assembly for those speaking out about LGBTQI+ topics or on the ability of LGBTQI+ organizations to legally register or convene events.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Equality Act 2010 requires changes or “reasonable adjustments” to be made to ensure disabled persons can access education, employment, health services, housing, and “goods and services” including shops, banks, cinemas, public buildings, transportation, and places a legal duty on people and organizations. If a person or body refuses, a discrimination claim can be made under the Equality Act. Some persons with disabilities faced discrimination in employment and occupation (see section 7.d.).

Bermudian law protects the rights of persons with disabilities in the workplace. The law does not include any protection from discrimination on mental health

grounds.

The government's Family Resources Survey published in March reported that there were 14.6 million disabled persons in the UK. According to the Office for National Statistics' *Outcomes for disabled people in the UK: 2021* report published in February, one-quarter of disabled persons aged 21 to 64 in the UK had a degree as their highest qualification compared with 43 percent of nondisabled persons. Around half of disabled persons aged 16 to 64 (54 percent) were in employment compared with around eight in 10 (82 percent) for nondisabled persons (July to September 2021). The proportion of disabled persons (15 percent) aged 16 years and over in England who reported feeling lonely "often or always" was over four times that of nondisabled persons (4 percent).

Children with disabilities attended school through secondary education at similar rates to children without disabilities. The law requires all publicly funded preschools, nurseries, state schools, and local authorities to try to identify, help assess, and provide reasonable accommodation to children with "special educational needs or disabilities."

The Crown and Procurator Fiscal's Office, Scotland's prosecutor, reported in June that the number of recorded hate crimes against persons with disabilities rose by 44 percent to 666 in 2020-2021.

The EHRC provided legal advice and support to individuals with disabilities and a hotline. It conducted formal investigations, required persons or organizations to adopt action plans to ensure compliance with the law, and applied for injunctions to prevent acts of unlawful discrimination.

## **Other Societal Violence or Discrimination**

Hate speech, notably against Muslims, in some traditional media, particularly tabloid newspapers, continued to be a problem, with dissemination of biased or ill-founded information. Online hate speech also was a problem. There were also instances of societal violence against Muslims and attacks on mosques. In June the NGOs Muslim Engagement & Development and Muslim Census published a joint report noting that 35 percent of the country's mosques experience a religiously motivated attack at least once a year.

Scottish law criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match, and penalizes any threat of serious violence and threats to incite religious hatred through the mail or the internet.

In Northern Ireland crimes related to faith or religion totaled 50, an increase of 13 from the previous year. Sectarian crimes totaled 774.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law does not cover workers in the armed forces, public-sector security services, police forces, and freelance or temporary work.

The government and employers routinely respected freedom of association and the right to collective bargaining. Most union rights apply only to recognized, independent trade unions. A trade union may be certified as independent if it is not employer-linked. The union is recognized by the employer if there is a recognition agreement between union and employer for collective bargaining purposes.

Workers are entitled to have a trade union recognized where most of the workers concerned support the union, evidenced if a ballot shows that a majority of the workers voting and at least 40 percent of those eligible to vote support recognition. There is a statutory procedure for union recognition (and derecognition) applicable to companies with more than 20 workers. Compulsory recognition of unions is limited to negotiations relating to pay (not including pensions), hours of work and holiday.

The law prohibits antiunion discrimination and protects employees from unfair dismissal while striking for up to 12 weeks, provided the union has complied with the legal requirements governing such industrial action.

In all ballots for industrial action, the law requires that at least 50 percent of the trade union members entitled to vote must do so in order for the ballot to be valid. Whether or not the ballot is successful and creates a mandate for industrial action is unaffected: a simple majority (i.e. more than half) of the votes cast must be in

favor of industrial action for action to go ahead. After securing a successful ballot, the trade union must provide the employer with 14-days' notice before strike action is taken. For "important public services," defined as health services, education for those younger than 17, fire services, transport services, nuclear decommissioning and the management of radioactive waste and spent fuel, and border security, at least 40 percent of all eligible union members must vote in favor of the strike action, and ballots require at least a 50 percent turnout to be valid and for strike action to be legal. The members' agreement to a union's proposed industrial action automatically expires six months after the date of the ballot. If nonunion members strike, they are protected from dismissal and have the same rights as union members, as long as the industrial action is lawful.

Although there is no positive legal right to strike, industrial action, including strike action organized by a trade union is legal provided conditions are met. According to the International Trade Union Confederation (ITUC), the ability to strike in the country is "limited" due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, loopholes which allow employers to use recruitment agencies to replace strikers, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all legal steps in organizing the strike. In addition, the ITUC notes that the six-month mandate that arises from a union vote to strike, whether negotiations have concluded or not, places undue burdens on union and their members.

The government generally enforced the law. Remedies were limited in situations where workers faced reprisal for union activity, and ITUC stated that the law does not provide adequate means of protection against antiunion discrimination. Penalties range from employers paying compensation to reinstatement and were commensurate with those for similar violations. Penalties were regularly applied against violators. Inspection was sufficient to enforce compliance. Workers may make a claim to an independent employment tribunal in instances of unfair dismissal, discrimination at work, breach of contract, or unauthorized pay deductions. Workers claiming unfair dismissal for trade union activities, acting as a workers' representation, and whistleblowing may be able to continue paid employment (known as interim relief) until the case is decided by the employment tribunal.

The Advisory, Conciliation, and Arbitration Service (ACAS), primarily funded by the Department for Business, Energy, and Industrial Strategy, works to help employees and employers better adhere to collective bargaining and other workplace laws and to improve workplace relationships. It provides free advice to employers, employees, and their representatives, as well as dispute resolution services. If ACAS is not able to settle a dispute, a claim may be made for unfair dismissal and interim relief.

In its September submission to an International Labor Organization (ILO) committee of experts, the Trades Union Congress (TUC) detailed recent government actions that allegedly infringe upon rights due to trade unions under ILO conventions. Chief among these were implementing additional powers for the certification officer (office responsible for statutory functions relating to trade unions and employers' associations) without further consultation; introducing legislation that allows employment businesses to supply agency workers to replace workers taking industrial action in nonessential sectors; and quadrupling to £1 million the maximum damages that an employer can seek if a union's industrial action violates the law regarding industrial action.

The TUC alleged failure by the government to protect the rights of 786 seafarers to collectively bargain when they were summarily dismissed in March and replaced by foreign agency workers who were paid less than the national minimum wage by leading UK ferry operator, P&O Ferries. The company gave no prior notice and failed to offer consultations to the government or to the seafarers' unions before the dismissals took effect, despite the requirements that it do so under statute and under its collective agreements with the unions. At a joint meeting of the House of Commons transport and business select committee, the company's chief executive acknowledged it had a statutory duty to consult the unions but did not do so. P&O Ferries offered the dismissed seafarers enhanced redundancy packages which included compensation packages for its failure to consult, unfair dismissal, and other actions. The settlement agreement barred the workers from starting claims in an employment tribunal. The country's Insolvency Service determined that P&O Ferries would not face criminal proceedings because there was no realistic prospect of a conviction. This decision, according to TUC, suggests legislation is insufficient to deter antiunion discrimination because it allows employers to pay

required compensation and dismiss any worker for being a union member with better terms and conditions under a collective agreement.

According to the Department for Business, Energy, and Industrial Strategy, union membership fell in 2021 to 6.44 million – 23.1 percent of UK employees – after growing for four consecutive years. The recent rise and fall in membership numbers was primarily driven by female membership.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor.

The law permits punishment of up to life imprisonment for all trafficking and slavery offenses, including sexual exploitation, labor exploitation, and forced servitude. Firms with a global turnover of £36 million (\$47.5 million) that supply goods or services in the country must by law publish an annual statement setting out what steps they are taking to ensure that forced labor is not being used in their operations and supply chain. Foreign companies and subsidiaries that “carry on a business” in the country also must comply with this law. The law allows courts to impose reparation orders on convicted traffickers and prevention orders to ensure that those who pose a risk of committing human trafficking offenses cannot work in relevant fields, such as with children.

The government effectively enforced the law. Resources and inspections were generally adequate.

Forced labor occurred in the UK involving both foreign and domestic workers, mainly in sectors characterized by low-skilled, low-paid manual labor and heavy use of flexible, temporary workers. Those who experienced forced labor practices tended to be poor, living on insecure and subsistence incomes and in substandard accommodations. Forced labor was more prevalent among men, women, and children of the most vulnerable minorities or socially excluded groups. Most victims were British nationals including children or young adults forced by criminal gangs to sell drugs.

Albania and Vietnam were the most likely foreign countries of origin for forced labor. Most labor migrants entered the country legally. Many migrants used

informal brokers to plan their journey and find work and accommodation in the UK, enabling the brokers to exploit the migrants through high fees and to channel them into forced labor situations. Many with limited English were vulnerable and trapped in poverty through a combination of debts and constrained opportunities. Migrants were often forced to share rooms with strangers in overcrowded houses, and often the work was just sufficient to cover rent and other subsistence charges. Migrant workers were subject to forced labor in agriculture (especially in marijuana cultivation), construction, food processing, service industries (especially nail salons), and on fishing boats. Women employed as domestic workers were particularly vulnerable to forced labor.

In Bermuda there were no reported cases of forced labor during the year. Expatriate workers are required to obtain a work permit based on the type of work and the expected length of time of employment in Bermuda. The law requires employers to repatriate work-permit holders. Failure to do so has been a common complaint from migrant workers. Cases of worker exploitation largely consisted of employers requiring workers to work longer hours or to perform work outside the scope of their work permit, threatening the status of their permit.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. The law prohibits the employment of children younger than 13 with exceptions for sports, modeling, and paid performances, which may require a child performance license, depending on local bylaws. Children younger than 18 are prohibited from working in hazardous environments or after 7 p.m. The law prohibits those younger than 16 from working in an industrial enterprise, including transportation or street trading. Children's work hours are strictly limited and may not interfere with school attendance. Different legislation governs the employment of persons younger than 16 and, while some laws are common across the UK, local bylaws vary. If local bylaws so require, children between the ages of 13 and 16 must apply for a work permit from a local authority. The local authority's education and welfare services have primary responsibility for oversight and enforcement of the permits.

The Department for Education has primary regulatory responsibility for child labor, although local authorities generally handled enforcement. Penalties were commensurate with those for equally severe crimes. Penalties were regularly applied against violators.

In Bermuda children younger than 13 may perform light work of an agricultural, horticultural, or domestic character if a parent or guardian is the employer. Schoolchildren may not work during school hours or more than two hours on school days. No child younger than 15 may work in any industrial undertaking, other than light work, or on any vessel, other than a vessel where only family members work. Children younger than 18 may not work at night except that those age 16 to 18 may work until midnight; employers must arrange for safe transport home for girls age 16 to 18 working until midnight. Penalties were commensurate with those for similar crimes, and inspection was sufficient to enforce compliance. The government effectively enforced the law. The Bermuda Police Service reported no cases of child labor or exploitation of children during the year.

No cases of child labor were reported in overseas British territories, but gaps in the law made children vulnerable. The territories of the Falkland Islands, Montserrat, and St. Helena-Ascension-Tristan da Cunha do not have functioning labor inspectorates to enforce labor laws. There are legislative gaps in the prohibition of trafficking in children for labor exploitation in St. Helena-Ascension-Tristan da Cunha. While criminal laws prohibit trafficking in children for sexual exploitation, they do not address trafficking in children for labor exploitation. Laws do not exist in Montserrat or the Falkland Islands regarding the use of children in drug trafficking and other illicit activities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> for information on UK territories.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment or occupation based on race, color, sex, religion or belief, political opinion, national origin or citizenship, social origin, disability, sexual orientation, gender identity or reassignment, marriage and



civil partnership, being pregnant or on maternity leave, age, language, or HIV or other communicable disease status. The law requires equal pay for equal work. Businesses with more than 250 employees are required to measure and report on how they pay men and women. The pay gap has narrowed over the long term, but compared with lower-paid employees, higher earners still experience a much larger difference in hourly pay between the sexes. There also remains a large difference in gender pay gap between employees age 40 and older and those younger than 40. The Equality and Human Rights Commission is charged with enforcing pay gap reporting requirements. In 2021 the mining sector had the highest pay gap of all sectors, with the average woman earning 45 percent less than the average man.

In Northern Ireland, the law prohibits discrimination in employment or occupation regarding age, disability, gender or gender reassignment, marital or civil partnership status, pregnancy and maternity, race, sex, sexual orientation, religion, or political affiliation. Teachers applying to work in religious schools, however, are not protected from discrimination on religious grounds, a fact which the ILO noted is inconsistent with ILO conventions on discrimination. Employers must register with the Northern Ireland Equality Commission if they employ more than 10 persons. Registered employers are required to submit annual reports to the commission on the religious composition of their workforce.

In Scotland the law prohibits discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Scottish government introduced a plan in 2019 to address the gender pay gap. The median gender-pay gap for all employees, including full and part-time employees, in Scotland fell from 10.9 percent in 2020 to 10.1 percent in 2021.

Discrimination in employment and occupation occurred with respect to race, gender, and sexual orientation and gender identity. Women were paid less than men, and persons with disabilities faced discrimination in hiring, access to the workplace, and training (see section 6). Ethnic minorities faced difficulty in hiring and attaining promotion, as well as discrimination in the workplace. Penalties for discrimination in employment were commensurate than those for comparable violations. Penalties were regularly applied against violators.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a National Living Wage for workers age 23 or older and a National Minimum Wage for workers of at least school leaving age until age 22. Both wages were above the poverty level.

The law limits the workweek to an average of 48 hours, normally averaged over a 17-week period. The law does not prohibit compulsory overtime, but it limits overtime to the 48-hour workweek restriction. The 48-hour-workweek regulations do not apply to senior managers and others who can exercise control over their own hours of work. There are also exceptions for the armed forces, emergency services, police, domestic workers, sea and air transportation workers, and fishermen. The law allows workers to choose to work more than a 48-hour week; this is called an “opt out” of the 48-hour limit. An individual can “opt out” for a certain period or indefinitely; the “opt out” must be voluntary, and an employee cannot be fired or treated unfairly for refusing. The employee can cancel an “opt out” agreement at any time, by giving seven days’ notice. There are exceptions for airline staff, delivery drivers, security guards, and workers on ships or boats.

Bermuda’s legislation does not provide a minimum or living wage. The Bermuda Department of Labour and Training enforces any contractually agreed wage and hour and standards.

**Occupational Safety and Health:** The government set appropriate and current occupational safety and health (OSH) standards. The law stipulates employers may not place the health and safety of employees at risk. The Health and Safety Executive (HSE) is responsible for identifying unsafe situations, not the worker, and inspectors had the authority to conduct unannounced inspections, levy fines, and initiate criminal proceedings. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

Figures for April 2021 to March 2022 revealed 123 persons were fatally injured at work. An estimated 441,000 workers sustained a nonfatal injury at work according to self-reports in 2020-21.

The Bermuda Department of Labour and Training enforces OSH standards.

Regulations enforced by the department extensively cover the safety of the work environment, occupational safety, and health standards and are current and appropriate for the main industries. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced the wage and hour laws. His Majesty's Revenue and Customs (HMRC) enforces wage payments. The Health and Safety Executive (HSE) enforces maximum working hours. The number of labor inspectors was sufficient to enforce compliance. The HMRC and the HSE can make unannounced inspections and initiate criminal proceedings.

Penalties were generally commensurate with those for similar violations and inspections were sufficient to enforce compliance. Penalties were regularly applied against violators. Although criminal enforcement is available, most minimum wage noncompliance was pursued via civil enforcement through the courts. The HSE reported violations of wage, hour, or overtime laws were common in the agriculture, chemicals, construction, fairgrounds and theme parks, film and theater, logistics and transport, manufacturing, mining, energy, sports and leisure, utilities, and waste and recycling sectors.

The HSE effectively enforced occupational health and safety laws in all sectors including the informal economy. The fines for violations were commensurate with those for similar laws. HSE inspectors also advise employers on how to comply with the law. Employers may be ordered to make improvements, either through an improvement notice, which allows time for the recipient to comply, or a prohibition notice, which prohibits an activity until remedial action has been taken. The HSE issued notices to companies and individuals for breaches of health and safety law. The notice may involve one or more instances when the recipient failed to comply with health and safety law, each of which was called a "breach." The HSE prosecuted recipients for noncompliance with a notice while the Crown Office and Procurator Fiscal Service (COPFS) prosecuted similar cases in Scotland. The ILO expressed concern that the number of HSE inspectors decreased in recent years, noting that the number of cases brought by the HSE had also declined.

During the year the HSE and COPFS prosecuted 209 cases. Across all enforcing bodies, over 6,900 notices were issued. In Bermuda penalties enforced by the Department of Labour and Training were commensurate with those for similar violations and were regularly applied against violators.